

RESOLUTION NO. 2006-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA

RECITALS

WHEREAS, on December 12, 2005, City Council members Arturo Medina and Priscilla Hill, along with Water Project Manager Mark Davis, flew to Seattle for an afternoon meeting with representatives of the United States Economic Development Administration ("EDA") in order to provide EDA staff with an update as to progress as to implementation of the EDA-funded grant designated for City water system infrastructure upgrades; and

WHEREAS, costs for the trip, totaling \$1,191 and comprising the costs of airfare and hotel accommodations for Hill and Medina, were paid for by the City; and

WHEREAS, Consultant Davis paid for his expenses personally, and received no reimbursement from the City; and

WHEREAS, following the trip, certain members of the public contacted relevant state authorities to express concerns regarding the trip's funding, and additionally requested an investigation of potential violations of the Brown Act, California Government Code 54950 *et seq*; and

WHEREAS, pursuant to these referrals, in early January of 2006, the San Benito County District Attorney initiated an investigation into City Council actions with respect to the Seattle delegation; and

WHEREAS, funding for the trip was provided for as a general City Council travel expense line item in the Fiscal Year 2005-2006 budget; and

WHEREAS, without conceding that violations of the Brown Act did occur with respect to this matter, the City Council is nonetheless firmly committed to full compliance with the letter and spirit of the Brown Act, and recognizes that local government's duty is to serve the public and reach all decisions in full view of the public; and

WHEREAS, City staff have prepared a memorandum explaining both the purpose of and sources of funding for the Seattle delegation, included as a matter of public record in the January 17th, 2005 City Council agenda packet under the terms of California Public Records Act, California Government Code 6250 *et seq*; and

WHEREAS, by means of the instant Resolution, the City Council intends to ratify all public expenditures associated with the Seattle delegation and more specifically allocate such expenses to the separate Water Enterprise fund, and also to formally

“cure” the alleged violations of the Brown Act made by the City Council with respect to the Seattle delegation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTSTA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby amends and approves the Fiscal Year 2005-2006 Operating Budget to ratify the \$1,191.00 in expenses incurred in sending a three-member delegation to Seattle in December of 2005 to visit with EDA representatives. Such expenses shall be allocated via line item to the Water Fund 800, Department 10, Account 528.

SECTION 2. The City Council hereby expresses its intention to cure any alleged violations of the Brown Act with respect to the Seattle delegation pursuant to the authority conferred by California Government Code section 54960.1(c)(2). Actions to cure include the adoption of the instant Resolution as well as full and public disclosure of the above-referenced City Council memorandum outlining the purpose and funding of the Seattle delegation.

SECTION 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED ON January 17th, 2006, by the following vote:

AYES: Reed, Medina, Geiger, Dias

NOES: None

ABSTAIN: None

ABSENT: Hill

G. Dan Reed, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

APPROVED AS TO FORM:

Peter Spoerl, Interim City Attorney